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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,851	01/29/2004	Olga Kuturianu	5681-80300	2984
35690	7590	01/25/2007	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. 700 LAVACA, SUITE 800 AUSTIN, TX 78701			WANG, BEN C	
		ART UNIT	PAPER NUMBER	
		2192		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,851	KUTURIANU ET AL.	
	Examiner	Art Unit	
	Ben C. Wang	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending in this application and presented for examination.

Specification Objects

2. The specification is objected to because the following informalities:

The status of cross-reference to related applications, cited in [0001], line 2,
should be updated

Appropriate correction is required.

Claim Rejections – 35 USC § 103(a)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne, II et al. (hereinafter ‘Osborne’) (Pat. No. US 7,000,224 B1) in view of Farchi et al. (hereinafter ‘Farchi’) (*Using a model-based test generator to test for standard conformance, 2002, IBM Systems Journal*).

5. As to claim 1, Osborne discloses a method for testing computing devices (Fig. 1; Abstract, Lines 2-5; Col. 5, Lines 7-13), comprising the steps of: providing a plurality

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of suites of test programs (Fig. 2, elements 212A, 212B; Abstract, Lines 8-9) on a server (Fig. 1, element 110) for execution by one or more computing devices (Fig. 1, element 114) that are coupled to the server (Fig. 1, element 122), wherein the suites are represented in a plurality of formats (Col. 5, Lines 4-13); downloading the converted test programs from the server to the computing devices for execution thereof by the computing devices (Col. 8, Lines 40-47; Col. 19, Lines 3-5).

But, Osborne does not specifically disclose converting the suites to a common representation; processing the common representation in the server to define suites of converted test programs.

However, in an analogous art, Farchi discloses converting the suites to a common representation (Fig. 2, element of Abstract Test Suit; P. 99, 3rd Para – The Abstract XML Test Suite); processing the common representation in the server to define suites of converted test programs (Fig. 2, element of Test Scripts; P. 99, 4th Para., Lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to further provide the method of converting the suites to a common representation; processing the common representation in the server to define suites of converted test programs in Osborne system.

The motivation is to use a generic model-based test generator to test for standard conformance as once suggested by Farchi, A GOTCHA model helps generate

a test suite of the interface that exceeds the standards testing requirements for compliance – P. 100, 3rd full para.

6. **As to claim 6,** Osborne discloses a computer software product, comprising a computer- readable medium in which computer program instructions are stored, which instructions, when read by a computer, cause the computer to perform a method for testing computing devices, comprising the steps of: inputting a plurality of suites of test programs (Fig. 2, elements 212A, 212B; Abstract, Lines 8-9; Col. 26, Lines 9-65) on a server (Fig. 1, element 110) for execution by one or more computing devices (Fig. 1, element 114) that are coupled to the server (Fig. 1, element 122), wherein the suites are represented in a plurality of formats (Col. 5, Lines 4-13); downloading the converted test programs to the computing devices for execution thereof by the computing devices (Col. 8, Lines 40-47; Col. 19, Lines 3-5); controlling the execution of the converted test programs by the computing devices (Fig. 4; Col. 8, Lines 40-47).

But, Osborne does not specifically disclose converting the suites to a common representation; processing the common representation to define suites of converted test programs;

However, in an analogous art, Farchi discloses converting the suites to a common representation (Fig. 2, element of Abstract Test Suit; P. 99, 3rd Para – The Abstract XML Test Suite); processing the common representation to define suites of converted test programs (Fig. 2, element of Test Scripts; P. 99, 4th Para., Lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to further enhance the method of converting the suites to a common representation; processing the common representation in the server to define suites of converted test programs in Osborne system.

The motivation is to use a model-based test generator to test for standard conformance as once suggested by Farchi, A GOTCHA model helps generate a test suite of the interface that exceeds the standards testing requirements for compliance – P. 100, 3rd full para.

7. **As to claim 11,** Osborne discloses a server apparatus for testing computing devices (Fig. 1; Abstract, Lines 2-5; Col. 5, Lines 7-13), comprising: a communication interface for coupling a plurality of the computing devices therewith (Fig. 1, element 122); and a processor, which is adapted to provide a suite of test programs for execution by the computing devices that are coupled to the server apparatus (Fig. 1, element 110; Col. 4, Lines 48-50, 64-66), and to download the test programs via the communication interface (Fig. 1, element 122) for execution by the computing devices coupled thereto (Col. 8, Lines 40-47; Col. 19, Lines 3-5), the processor being further adapted to control the execution by the computing devices (Fig. 4; Col. 8, Lines 40-47); wherein the test programs are initially input to the server apparatus in a plurality of formats (Fig. 2, elements 212A, 212B; Fig. 5, element 512)

But, Osborne does not specifically disclose the processor is further adapted to convert the plurality of formats into a common format for download thereof to the computing devices.

However, in an analogous art, Farchi discloses the processor is further adapted to convert the plurality of formats into a common format for download thereof to the computing devices (Fig. 2, element of Abstract Test Suit; P. 95, 1st Para., 2nd Para.; P. 99, 3rd Para – The Abstract XML Test Suite).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to further provide that the processor is further adapted to convert the plurality of formats into a common format for download thereof to the computing devices in Osborne system.

The motivation is to use a model-based test generator to test for standard conformance as once suggested by Farchi. A GOTCHA model helps generate a test suite of the interface that exceeds the standards testing requirements for compliance – P. 100, 3rd full para.

8. **As to claims 2 and 7,** Osborne does not disclose the steps of controlling from the server the execution of the converted test programs by the computing devices using no more than one test harness.

However, in an analogous art, Farchi discloses the steps of controlling from the server the execution of the converted test programs by the computing devices using no

more than one test harness (Fig. 2, element of Abstract Test Suit; P. 95, 1st Para., 2nd Para.; P. 99, 3rd Para – The Abstract XML Test Suite).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to provide the steps of controlling from the server the execution of the converted test programs by the computing devices using no more than one test harness in Osborne system.

The motivation is to use a generic model-based test generator to test for standard conformance as once suggested by Farchi, A GOTCHA model helps generate a test suite of the interface that exceeds the standards testing requirements for compliance – P. 100, 3rd full para.

9. **As to claims 3 and 8,** Osborne does not disclose that step of converting the suites to the common representation is performed by converting the suites to a common intermediate format, and thereafter converting the common intermediate format to a native format for use in the step of processing the common representation in the server.

However, in an analogous art, Farchi discloses that step of converting the suites to the common representation is performed by converting the suites to a common intermediate format (Fig. 2, element of Abstract Test Suit; P. 95, 1st Para., 2nd Para.; P. 99, 3rd Para – The Abstract XML Test Suite), and thereafter converting the common intermediate format to a native format for use in the step of processing the common representation in the server (P. 99, 4th Para., Lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to further provide that step of converting the suites to the common representation is performed by converting the suites to a common intermediate format, and thereafter converting the common intermediate format to a native format for use in the step of processing the common representation in the server in Osborne system.

The motivation is to use a generic model-based test generator to test for standard conformance as once suggested by Farchi, A GOTCHA model helps generate a test suite of the interface that exceeds the standards testing requirements for compliance – P. 100, 3rd full para.

10. **As to claim 12,** Osborne does not disclose the server apparatus, wherein the server apparatus is adapted to convert the plurality of formats into the common format by converting the plurality of formats into a common intermediate format, and thereafter converting the common intermediate format to the common format.

However, in an analogous art, Farchi discloses the server apparatus, wherein the server apparatus is adapted to convert the plurality of formats into the common format by converting the plurality of formats into a common intermediate format, and thereafter converting the common intermediate format to the common format (Fig. 2, element of Abstract Test Suit; P. 95, 1st Para., 2nd Para., Lines 1-6; P. 99, 3rd Para – The Abstract XML Test Suite).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to have the server apparatus, wherein the server apparatus is adapted to convert the plurality of formats into the common format by converting the plurality of formats into a common intermediate format, and thereafter converting the common intermediate format to the common format.

The motivation is to use a generic model-based test generator to test for standard conformance as once suggested by Farchi, A GOTCHA model helps generate a test suite of the interface that exceeds the standards testing requirements for compliance – P. 100, 3rd full para.

11. **As to claims 4, 9, and 13,** Osborne does not disclose that the common intermediate format is a markup language.

However, in an analogous art, Farchi discloses that the common intermediate format is a markup language (P. 95, 2nd Para., Lines 1-6; P. 99, 3rd Para – The Abstract XML Test Suite).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to provide that the common intermediate format is a markup language in Osborne system.

The motivation is that XML markup language is an industrial standard.

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12. As to claims 5, 10, and 14, Osborne does not disclose that the markup language is XML, and the suites are converted into XTRF (XML Test Representation Format) files.

However, in an analogous art, Farchi discloses that the markup language is XML, and the suites are converted into XTRF files (P. 95, 2nd Para., Lines 1-6; P. 99, 3rd Para – The Abstract XML Test Suite).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Osborne and the teachings of Farchi to provide that the markup language is XML, and the suites are converted into XTRF files in Osborne system.

The motivation is that XML markup language is an industrial standard.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hartman et al., AGEDIS – Architecture, Interfaces & Tools (Dec. 11, 2003, IBM Haifa Labs).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BCW PW

TUAN DAM
SUPERVISORY PATENT EXAMINER

January 16, 2007